

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:12-cv-218-RJC**

TERRANCE BELL)	
)	
Plaintiff,)	
)	
v.)	
)	
)	<u>ORDER</u>
LAWRENCE PARSONS,)	
)	
Defendant.)	
<hr/>)	

THIS MATTER is before the Court on an initial review of Plaintiff’s Complaint filed under 42 U.S.C. § 1983. (Doc. No. 1). Pursuant to 28 U.S.C. § 1915A(a), the “court shall review . . . a complaint in a civil action in which a prisoner seeks redress from a governmental entity or employee of a governmental entity.” Following this initial review, the “court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint . . . fails to state a claim for relief.” Id. § 1915A(b)(1).

According to his Complaint, Plaintiff is a state prisoner housed at the Lanesboro Correctional Institution in the Western District of North Carolina. In his Complaint, Plaintiff states that he is a practicing Muslim and that in August 2011, during a prison security shakedown, most or all of his religious items were confiscated from his cell by prison authorities during the month of Ramadan. Plaintiff contends this deprivation violated his right to enjoy the free exercise of religion as provided for in the First Amendment. Plaintiff maintains that he filed a grievance and Defendant Parsons, according to the Complaint, responded as follows: “Property was taken as the result of an Institution shakedown . . The shakedown was conducted due to excessive amount of property in cells.” (Doc. No. 1 at 5).

Plaintiff submitted evidence which tends to show that he participated in the internal grievance procedure through the Third Step. Upon a review of Plaintiff's allegations, the Court finds that Defendant should be required to respond to Plaintiff's Complaint.

IT IS, THEREFORE, ORDERED that:

1. The Clerk of Court shall prepare process for the Defendant named in Plaintiff's Complaint and deliver the process to the U.S. Marshal;
2. The U.S. Marshal shall serve process upon the Defendant at the Government's expense;
3. The Defendant shall file a response to Plaintiff's allegations in accordance with the Federal Rules of Civil Procedure; and
4. The Clerk of Court shall send a copy of this Order to Plaintiff.

Signed: August 30, 2012



Robert J. Conrad, Jr.
Chief United States District Judge

